

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 9888 OF 2013

Shri Sambhaji Dagdu Hendre

... Petitioner

Vs

1 The State of Maharashtra & Ors.

... Respondents

Mr. N.V. Bandiwadekar for the Petitioner.

Mr. S.B. Kalel, AGP, for the Respondent-State.

Mr. R.S. Khadapkar for the Respondent No.3.

**CORAM : S.C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.**

SATURDAY, 22ND DECEMBER, 2018

P.C. :

1 After having passed a detailed order on the earlier occasion, we find that the concerned officials are of the opinion that the petitioner has been appointed as In-charge Principal and so long as a regular Principal is not appointed, the petitioner can continue as In-charge Principal and can draw the regular pay scale as well.

2 On these two counts, the Note of the Municipal Corporation, duly signed by the Deputy Municipal Commissioner (General Administration), does not present any difficulty.

3 Then, it says that as far as the other aspect highlighted in our order and whether having worked for all these years, can the petitioner be considered for any promotional benefits and on that, the Note of the concerned Municipal Commissioner says that the petitioner is an Assistant / Junior Lecturer. As far as that aspect is concerned, the petitioner cannot be considered for promotional post of Assistant Engineering Superintendent. That post is not available insofar as the Chhatrapati Shivaji Secondary Technical School. In the event that post is sanctioned for this Institution, then, the petitioner can be considered for the promotional post.

4 Finally, it says that the petitioner cannot hold the post of the Principal substantively if he does not come from the feeder cadre and which is the cadre for the promotional post of Principal.

5 We do not express any opinion on this final aspect. In the event the post of Assistant Engineering Superintendent is sanctioned, then, there is no doubt that the petitioner would be considered for appointment to that post which is stated to be a promotional avenue available to him. Similarly, in the event the post of Principal is advertised and to be filled in by promotion / nomination, presently we do not say anything about the entitlement of the petitioner, but surely he cannot be prevented from applying for this promotional post. Whether his claim should be considered or not is entirely left to the Administration and needless to clarify that they will consider it strictly in accordance with law, which would include the applicable Rules and Regulations.

9 In terms of our earlier order and present order, the writ petition stands disposed of.

10 The arrears of salary in the post of In-charge Principal, which the petitioner is holding, shall be cleared within a period of two months from the date of communication of this order. Further, the petitioner shall be entitled to draw the pay

scale of the post of Principal, which is held by him as In-charge,
till the regular appointment is made.

SMT. BHARATI H. DANGRE, J.

S.C. DHARMADHIKARI, J.